

November 7, 2002

MEMORANDUM TO: Those on the Attached List

FROM: Martin J. Virgilio, Director
Office of Nuclear Material Safety and Safeguards **/RA/**

SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN U. S. NUCLEAR
REGULATORY COMMISSION AND U.S. ENVIRONMENTAL
PROTECTION AGENCY: CONSULTATION AND FINALITY ON
DECOMMISSIONING AND DECONTAMINATION OF
CONTAMINATED SITES

On October 9, 2002, the U. S. Nuclear Regulatory Commission (NRC) signed a Memorandum of Understanding (MOU) with the U. S. Environmental Protection Agency (EPA) on Consultation and Finality on Decommissioning and Decontamination of Contaminated Sites (Attachment 1). The purpose of this memo is to provide staff with an overview of the MOU and to provide implementation guidance.

MOU OVERVIEW

The MOU provides a basic framework for defining the relationship of the agencies in the radiological decommissioning and decontamination of NRC-licensed sites. The MOU is intended to address issues related to the EPA's involvement under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) in the cleanup of radiologically contaminated sites under the jurisdiction of the NRC. The NRC License Termination Rule published in 1997 is not changed by this MOU. Similarly, the EPA will continue its CERCLA policy of September 8, 1983, which explains how EPA implements deferral decisions regarding listing of any sites that are subject to NRC's licensing authority, on the National Priority List (NPL). A set of questions and answers has been developed for use in responding to inquiries on the MOU (Attachment 2).

NRC has agreed in the MOU to consult with EPA on the appropriate approach for sites with ground-water contamination at the time of license termination in excess of EPA's Maximum Contaminant Levels (MCLs), with soil concentrations exceeding the values in Table 1 of the MOU, or where NRC contemplates either restricted release or the use of alternate criteria for license termination. The Office of Nuclear Materials Safety and Safeguards, Division of Waste Management is the designated NRC representative to consult with EPA when necessary.

CONTACT: Eric Pogue, NMSS/DWM/DCB
(301) 415-6064

MOU IMPLEMENTATION

To implement the MOU, DWM is requesting NRC project managers/license reviewers, who are responsible for oversight of decommissioning NRC site(s), to review available site-specific information and identify:

1. decommissioning sites with radioactive ground-water contamination in excess of EPA's MCLs (Attachment 3);
2. decommissioning sites with soil concentrations (planned cleanup levels or actual measured values in the final status survey) exceeding the values in Table 1 of the MOU; and
3. sites that are planning either restricted release (10 CFR 20.1403) or use of alternate criteria (10 CFR 20.1404).

This review should include all materials, fuel cycle, or reactor sites at any stage of the decommissioning process, from full decommissioning to partial site release. Eric Pogue, DWM, should be contacted regarding any sites that meet the above-listed criteria. DWM will then communicate with EPA regarding sites that meet/exceed the MOU criteria. DWM will be the initial and primary point of contact with EPA for all sites identified under the MOU.

We are also considering expanding this review to include active operating (non-decommissioning) sites. The purpose of expanding this review would be to use the MOU values as early indicators of sites that may represent future decommissioning challenges. Such a program would be consistent with our ongoing effort to prevent future legacy sites. We are currently developing a plan to implement this expanded review and will be forwarding additional information/guidance to you in the future.

Attachments:

1. EPA-NRC MOU
2. MOU Q&A's
3. EPA MCLs

Memorandum to: Those on the Attached List

Samuel Collins, Director, Office of Nuclear Reactor Regulation
Jon Johnson, Deputy Director, Office of Nuclear Reactor Regulation
Hubert J. Miller, Regional Administrator, Region I
Luis A. Reyes, Regional Administrator, Region II
James E. Dyer, Regional Administrator, Region III
Ellis W. Merschoff, Regional Administrator, Region IV
David Matthews, NRR/DRIP
Christopher Grimes, NRR/DRIP/RPRP
William Beckner, NRR/DRIP/RORP
Pao-Tsin Kuo, NRR/DRIP/RLEP
William Ruland, NRR, DLPM, PDIV
William E. Brach, Director, Spent Fuel Project Office, NMSS
Donald A. Cool, Director, Industrial and Medical Nuclear Safety, NMSS
Robert C. Pierson, Director, Fuel Cycle Safety and Safeguards, NMSS
John T. Greeves, Director, Division of Waste Management, NMSS
William Reamer, Deputy Director, Division of Waste Management, NMSS
Scott Flanders, Section Chief, Division of Waste Management, E&LLW
Andrew Campbell, Section Chief, Division of Waste Management, PAIS
Larry Camper, Branch Chief, Division of Waste Management, DCB
Claudia Craig, Section Chief, Division of Waste Management, FDS
Scott Moore, Section Chief, Division of Waste Management, SPS
Janet Schlueter, Branch Chief, Division of Waste Management, HLWB
N. King Stablein, Section Chief, Division of Waste Management, P&ES
Larry Campbell, Section Chief, Division of Waste Management, RSS
George Pangburn, Director, Division of Nuclear Materials Safety, RGN-I
Francis M. Costello, Deputy Director, Division of Nuclear Materials Safety, RGN-I
Ronald R. Bellamy, Chief, Decommissioning and Laboratory Branch, RGN-I
Pamela Henderson, Chief, Nuclear Materials Safety Branch 1, RGN-I
John D. Kinneman, Chief, Nuclear Materials Safety Branch 2, RGN-I
Douglas M. Collins, Director, Division of Nuclear Materials Safety, RGN-II
Ken Bahr, Deputy Director, Division of Nuclear Materials Safety, RGN-II
David Ayres, Chief, Fuel Facilities Branch, RGN-II
Thomas R. Decker, Chief, Materials Licensing/Inspection Branch 1, RGN-II
Jay Henson, Chief, Materials Licensing/Inspection Branch 2, RGN-II
Marc Dapas, Acting Director, Division of Nuclear Materials Safety, RGN-III
Mark Satorius, Acting Deputy Director, Division of Nuclear Materials Safety, RGN-III
Chris Miller, Chief, Decommissioning Branch, Bruce Jorgensen, RGN-III
Patrick L. Hiland, Chief, Fuel Cycle Branch, RGN-III
Gary Shear, Chief, Materials Inspection Branch, RGN-III
John R. Madera, Chief, Materials Licensing Branch, RGN-III
Dwight D. Chamberlain, Director, Division of Nuclear Materials Safety, RGN-IV
D. Blair Spitzberg, Chief, Fuel Cycle and Decommissioning Branch, RGN-IV
Mark Schaffer, Chief, Materials Inspection Branch, RGN-IV
Charles L. Cain, Chief, Materials Licensing Branch, RGN-IV

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NRC has agreed in the MOU to consult with EPA on the appropriate approach for sites with ground-water contamination at the time of license termination in excess of EPA's Maximum Contaminant Levels (MCLs), with soil concentrations exceeding the values in Table 1 of the MOU, or where NRC contemplates either restricted release or the use of alternate criteria for license termination. The Office of Nuclear Materials Safety and Safeguards, Division of Waste Management is the designated NRC representative to consult with EPA when necessary
(301) 415-6064

CONTACT: Eric Pogue, NMSS/DWM/DCB

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